

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE IPATT GROUP, INC., et al.,)
)
Plaintiffs,)
vs.)
)
THE SCOTTS MIRACLE-GRO)
COMPANY,)
)
Defendant.)

Case No.: 2:09-cv-02419-GMN-RJJ

**ORDER
(ECF No. 29)**

Before the Court is Plaintiff's unopposed Motion for Leave to File an Amended Complaint (ECF No. 29). Because Defendant has already filed its Answer to Plaintiff's Complaint, Fed. R. Civ. P. 15(a)(2) applies to this motion. Under this Rule, leave to amend the pleadings is freely given unless the opposing party makes a showing of undue prejudice, bad faith, or dilatory motive on the part of the moving party. *See Martinez v. Newport Beach City*, 125 F.3d 777, 785 (9th Cir. 1997). Based on Plaintiff's representation that Defendant has no objection to the Court granting leave to file the Amended Complaint, (*see* Mot. to Amend 2 ¶ 7, ECF No. 29), it is unlikely that Defendant will be making any such showing. Nor should it, as Plaintiff's request to amend the complaint does not appear to have been in bad faith or the like-- Plaintiff is merely changing the complaint so that it is directed against the proper aspect of the Scotts' organization.

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CONCLUSION

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 29), as modified by ECF No. 30, is GRANTED.

IT IS FURTHER ORDERED that Plaintiff must file with the Court a signed copy of its amended complaint within seven days of the entry of this Order.

DATED this 10th day of September, 2010.



Gloria M. Navarro
United States District Judge